IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 2263 of 2004

Between:

P.Chandrasekhar vora, S/o.Late Vishwanath Vora,
R/o.14-5-291/300, Mewathipura,
Hyderabad.

..... PETITIONER

AND

1 A.P.TRANSCO, rep.by its Chairman & M.D., Vidyutsoudha, Hyderabad.
2 Central Power Distribution company of A.P.Ltd., rep.by its divisional

Engineer,Operation South Circle,
Begum Bazar,Hyderabad.
3 The Assistant Engineer, South Circle,Central Power Distribution Company

of A.P.Ltd., Hyderabad. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents in disconnecting Electricity meter in petitioner's Residential premises bearing H.No.14-5-291/ 300, situated at Mewathipura, Hyderabad, as being illegal, arbitrary, unconstitutional and to direct the Respondents to restore the Electric Connection to the petitioner's residential premises.

Counsel for the Petitioner:MR.S.NIRANJAN REDDY

Counsel for the Respondents: SMT.M.VINOBHA DEVI (Standing Counsel).

AND

CONTEMPT CASE NO : 700 of 2004

Contempt Case U/s. 10 to 12 of Contempt of Courts Act to punish the Respondents herein for disobeying the Order of the High Court dated 30-04-2004 in WPMP No.2976 of 2004 in WP No.2263 of 2004.

Between:

P. Chandrasekhar Vora, S/o Late Vishwanath Vora,
R/o 14-5-291/300, Mewathipur,
Hyderabad.

..... PETITIONER

AND

1 Mr. Srinivas, Divisional Engineer,
Operation South Circle, Begum Bazar,
Circle, Hyderabad.
2 Mr. Chandrasekhar Reddy, Assistant Engineer,
South Circle, Central Power Distribution Company of A.P., Ltd

.....RESPONDENTS

Counsel for the Petitioner:MR.S.NIRANJAN REDDY

Counsel for the Respondents: SMT.M.VINOBHA DEVI (Standing Counsel)

The Court made the following :

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COMMON ORDER:

Heard Sri S.Niranjan Reddy, the learned Counsel for the petitioner and also Smt.M.Vinobhadevi, the learned standing Counsel appearing on behalf of the respondents. Since both the matters are connected, they are being taken up together for final disposal at their request.

The petitioner in the Writ Petition claiming to be in possession of the premises bearing No.14-5-291/300 situated at Mewathipura, Hyderabad, filed this Writ Petition, inter alia, seeking Writ of Mandamus to declare the action of the respondents herein in disconnecting electricity meter in the said premises, as illegal and for further direction to restore the said connection. The case of the petitioner as stated in brief in the affidavit filed in support of the Writ Petition is that he has been residing in the said premises for the last forty years. In the beginning he was allotted a domestic meter, which was burnt out. In response to pilferage notice dated 10-10-2003 for an amount of Rs.1,453/-, the petitioner has paid the said amount on 24-01-2003. Subsequently, on his request the new meter was installed, after receiving the charges of Rs.600/-, which was paid through D.D., towards new meter. However, without any prior notice and without giving any reasons, the respondents high-handedly disconnected the newly installed meter and removed the same from his house. Thereafter, the respondents have allotted the same meter No.C4-7297 to one Mr.Bhanwarlal Vyas in premises No.14-5-291/301 situated at Mewathipura,

Hyderabad and he fell in arrears to a tune of Rs.6,171/- as on 21-01-2003 and therefore, the petitioner got issued a legal notice and made a complaint to the police. The petitioner is submitted that he has no information whatsoever with the transaction between Mr.Bhanwarlal Vyas and the respondents and the arrears of Mr.Bhanwarlal Vyas. It is the case of the petitioner that for the aforesaid two premises only one meter was allotted and therefore the disconnection and the removal of the meter are wholly illegal. Hence, the Writ Petition.

Pending the Writ Petition, this Court has granted interim direction in W.P.M.P.No.2976 of 2004 to the effect that there shall be interim direction to the respondents to restore power supply to the petitioner's premises, subject to condition of petitioner paying arrears, if any, on account of consumption charges or any other charges on the said service connection. Complaining that the said interim order was not complied with, in spite of the same being intimated, the petitioner has filed the contempt case in C.C.No.700 of 2004 under Section 10 and 12 of Contempt of Courts Act. On which, the respondents have filed a counter along with the application for vacating the said interim orders in the main Writ Petition. Hence, both cases were taken up together.

In the counter-affidavit it is stated that the petitioner is not the owner of the premises and he is only a tenant in premises bearing No.14-5-291/300 and no meter was issued in his name. Whereas, the meter with SC No.C4-7297 was allotted only in the name of the owner viz., Bhanwarlal Vyas. Having regard to the arrears, the said service connection was disconnected and it was restored only after payment of dues up to January 2004. The claim of the petitioner that he has been in possession for the last forty years was denied. The claim that the petitioner was having any meter or subsequently allotted any meter was also denied. The meter in SC.No.C4-7297 was disconnected long back for non-payment of arrears. During the inspection conducted on 05-09-2003, it was found that there was a pilferage and the petitioner was caught red-handed. It is also pointed out that the petitioner has misled the authorities by showing his name in Sc.No.C4-7297 on the front side portion. Therefore, the provisional assessment was made in the name of the petitioner levying charges. Though the petitioner has paid the provisional assessment amount as demanded, however, the petitioner has no right to make any such claim. The request of the petitioner for new meter was not acceded to in view of the fact that he was found to be only a tenant but not the owner. Further, the said premises was

purchased by one Bhagwandas Jaju, at whose instance a new meter was provided. Therefore, the claim of the petitioner is totally unsustainable and requested that both the Writ Petition as well as Contempt Case be dismissed.

Considering the submissions made across the bar and also on perusal of the material it is seen that the petitioner has approached this Court with a bald and sleeping allegation on the premise that he is in the possession of the premises and he was having meter and the same was burnt out and subsequently a new meter was laid. Except making such bald assertion that too vaguely, no other details have been given in the affidavit filed in support of the writ petition. The petitioner did not make any claim as owner of the premises nor he disclose that he was in possession as the tenant in the said premises. The petitioner also did not give any particulars or the details of the existing service connection or the new service connection, which has said to be provided for at his request by the respondents. There is no dispute to the fact that the existing connection, which was in the name of the owner was disconnected due to the arrears and subsequently at the instance of the new purchaser a fresh connection was given. Therefore the very premises on which the petitioner has approached that the connection was in his favour, which was disconnected and a new connection was given which again sought to be removed is totally found to be not correct. No explanation is forthcoming on behalf of the petitioner as to why he did not disclose as to his possession in the premises and also disputes if any with his landlord or the purchaser. There is also no dispute to the fact that the new connection was given only at the insance of the purchaser, but not at the instance of the petitioner herein. Having regard to such approach as made by the petitioner, without disclosing the true and correct state of affairs, the petitioner is not entitled to any indulgence from this Hon'ble Court.

In the circumstances, I do not find any merits in the above Writ Petition and this Court refuses to exercise any discretion under Article 226 of the Constitution of India. The Writ Petition is, accordingly, dismissed and consequently having found that the petitioner is not entitled to any such interim orders granted C.C. is also dismissed. No costs.

B.PRAKASH RAO, J.

Dated 02-08-2004.

SKMR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Chairman & M.D., A.P.TRANSCO, Vidyutsoudha, Hyderabad.
2 The Divisional Engineer, Central Power Distribution company of A.P.Ltd.,

Operation South Circle, Begum Bazar,Hyderabad.
3 The Assistant Engineer, South Circle,Central Power Distribution Company

of A.P.Ltd., Hyderabad.

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